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EXAMINER

GARCIA, ERNESTO

ART UNIT	PAPER NUMBER
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3679

DATE MAILED: 03/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Notice of Non-Compliant
Amendment (37 CFR 1.121)**

Application No.

09/516,655

Examiner

Ernesto Garcia

Applicant(s)

THOMPSON, THOMAS C.

Art Unit

3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 06 December 2004 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
 - ☐ A. Amended paragraph(s) do not include markings.
 - ☐ B. New paragraph(s) should not be underlined.
 - ☐ C. Other _____.
- ☐ 2. Abstract:
 - ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
 - ☐ B. Other _____.
- ☐ 3. Amendments to the drawings:
 - ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
 - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
 - ☐ C. Other _____.
- ☒ 4. Amendments to the claims:
 - ☐ A. A complete listing of all of the claims is not present.
 - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
 - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
 - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☒ E. Other: see attachment.

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf>.

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted within the time period set forth in the final Office action.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a *Quayle* action.

Extensions of time are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action.

Failure to timely respond to this notice will result in:

Abandonment of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action; or

Non-entry of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

Response to Amendment

The reply filed on December 16, 2004 fails to comply with current amendment practice because of the following omission(s) or matter(s): The claims in the listing fail to properly show all changes or otherwise fail to use the most recent claim copy as the starting basis. For instance, the entered amendment, filed on October 20, 2003 contained the language "a first acute angled bend" in claim 1 in line 9 and "a second unequal, acute angled bend" in claim 1 in lines 10 and 11. Now, the language is not there. If applicant deleted the language, applicant needs to indicate this change via strikethrough. Furthermore, the examiner noted that the deletions "generally horizontal" in line 3 of claims 3 and 4 in the amendment filed on October 23, 2003, are showing as not being deleted in the claims now submitted. Furthermore, claim 10 in the current version fails to include language that was added in the previous version of the claim. For example, the language "the outside wall and underlying top plate, the roof rafter, and the frieze boards or blocking respectively" in lines 3-5 were added in the last amendment and now the language is not included. There is no indication that the language in claim 10 was deleted in the current version of the amendment.

Applicant should not that the amendment filed on December 16, 2004 is identical to the non-compliant amendment filed August 16, 2004. Applicant is urged to use the attached copy of the amendment filed on October 10, 2003 as a starting point to make amendments. See 37 CFR 1.121.

Moreover, the alphabetic delineation in claim 1 fails to properly indicate all changes made since items c and d do not correspond to prior versions of the claim.

Since the above-mentioned reply appears to be bona fide, applicant is given ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ernesto Garcia whose telephone number is 703-308-8606. The examiner can normally be reached from 9:30-6:00. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 872-9306 for After Final communications.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on 703-308-2686. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-2168.

Art Unit: 3679

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

E.G.

A handwritten signature in black ink that reads "Daniel P. Stodola". The signature is written in a cursive style with a large, looping initial 'D'.

E.G.

March 8, 2005

Attachment: Copy of amendment filed October 20, 2003.

DANIEL P. STODOLA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

Attachment

filed: 10/20/03

Claims

I claim:

1. (currently amended) A unitary connector that retrofits onto existing buildings and helps prevent hurricane and earthquake damage by positively connecting a roof to a wall, comprising:

- 8,
- a. a base web;
 - b. offset, angled, blocking webs, each having a generally right angled bend forming a rafter tab;
 - c. said base web and each said blocking web connected by an offset web;
 - d. said offset web having ~~an~~ a first acute angled bend attached to said base web and ~~another~~ a second, unequal, acute angled bend attached to said blocking ~~web~~ webs.

2. (currently amended) The connector of claim 1 wherein said base web having a generally flat, generally long-horizontal rectangular shape, with a plurality of nail holes for attachment to an exterior wall[,] and into underlying structural members.

3. (currently amended) The connector of claim 1 wherein said offset web connected to said base web by ~~[[a]]~~ said first ~~generally horizontal~~ bend bent at an acute angle.

4. (currently amended) The connector of claim ~~[[3]]~~ 1 wherein said offset web connected to said blocking ~~web~~ webs by ~~[[a]]~~ said second ~~generally horizontal~~ bend bent at an acute angle.

5. (currently amended) The connector of claim ~~[[[4]]~~ 1 wherein said first and said second angled bends, attached to opposite ends of said offset web, having generally unequal, acute bends in opposite directions, thereby offsetting said blocking ~~web~~ webs at an acute angle from said base web, ~~thereby~~ and avoiding frieze boards ~~and~~ or blocking on a house.

6. (currently amended) ~~[[Moved to between claims 8 and 9.]]~~ →

7. (currently amended)The connector of claim 1 wherein said blocking web webs having said generally right angle bends dividing said blocking web webs into generally equal left and right blocking webs.

8. (currently amended)The connector of claim [[[7]]] 1 wherein ~~said right angle bends form rafter tabs~~[[,]] ~~off each said left and right blocking web, that are generally rectangular,~~ vertical, parallel, and having have a plurality of nail holes for attachment to the opposite sides of said a roof rafter.

Ε 6. (currently amended)The connector of claim [[5]] 1 wherein said first and said second acute bends and said offset web forming said base web and said blocking web unparallel to each other, thereby forming a buttress between [[a]] said roof rafter of said roof, and said wall with , and underlying structural members, thereby preventing said exterior wall from detaching from said roof rafter.

9. (currently amended)The connector of claim [[7]] 1 wherein said connector ~~having an~~ offset web, and said first and second acute angles[[,]] ~~thereby placing place~~ said blocking webs generally parallel to frieze boards and or blocking on said house, and said blocking webs having a plurality of nail holes for attachment onto said frieze boards and or blocking.

10. (currently amended)The connector of claim 1 wherein said ~~base web, said rafter tabs, and said blocking webs having~~ attaching means to the outside wall and underlying top plate, the roof rafter, and the frieze boards or blocking respectively, on an existing house, thereby for securing together an the exterior wall and underlying structural members, to a roof, rafter, and frieze boards and blocking, thereby preventing uplift and lateral movement from a hurricane and earthquake wind and seismic events.

11-14.(canceled)

11 15. (currently amended, but previously allowed) An apparatus that retrofits onto existing buildings and helps prevent hurricane and earthquake damage by positively connecting the top of a roof to a wall, comprising:

- Σ 1
- a. a base plate;
 - b. offset, angled, blocking tabs, each having a generally right angled bend forming a rafter tab;
 - c. ~~Each~~ each said rafter tab having a strengthening tab attached at a generally right angle bend;
 - d. ~~Each~~ each said blocking tab having a sheathing tab attached at a generally right angled bend;
 - e. said base plate and each said blocking tab connected by an offset tab;
 - f. said offset tab having a first acute angled bend attached to said base plate and a second acute angled bend attached to said blocking tabs.
 - g. a roof plate.

16. ¹² (currently amended, but previously allowed) The apparatus of claim ~~15~~ ¹¹ wherein said first and said second angled bends, attached to opposite ends of said offset tab, having generally unequal, acute bends in opposite directions, thereby offsetting said blocking tabs at an acute angle from said base plate, thereby avoiding frieze boards ~~and~~ or blocking on a house.

17. ¹³ (currently amended, but previously allowed) The apparatus of claim ~~15~~ ¹¹ wherein said first and said second acute bends and said offset tab forming said base plate and said blocking tabs unparallel to each other forming a buttress between a ~~rafter of said roof~~ rafter ~~[[,]]~~ and ~~said wall, and with~~ underlying structural members, thereby preventing said exterior wall from detaching from said roof rafter.

18. ¹⁴ (previously allowed) The apparatus of claim ~~15~~ ¹¹ wherein said blocking tabs having said generally right angle bends dividing said blocking tabs into left and right blocking tabs.

15. (previously allowed) The apparatus of claim 15 wherein said right angle bends form rafter tabs, off each said left and right blocking tab, that are generally vertical, parallel, and having a plurality of nail holes for attachment to the sides of said roof rafter.

16. (previously allowed) The apparatus of claim 15 wherein said apparatus having an offset tab, and acute angles, thereby placing said blocking tabs generally parallel to frieze boards and blocking on said house, and said blocking webs having a plurality of nail holes for attachment onto said frieze boards and blocking.

17. (previously allowed) The apparatus of claim 15 wherein said sheathing tab and said strengthening tab on the left side folded on top of each other, and said sheathing tab and said strengthening tab on the right side folded on top of each other, thereby forming double thickness with each side having a bolt hole.

18. (previously allowed) The apparatus of claim 15 wherein each said double thick strengthening tab and sheathing tab bent generally perpendicular to said blocking tabs and generally bent perpendicular to said rafter tabs, thereby placing said strengthening tabs and sheathing tabs on either side of said rafter and generally parallel to the roof.

19. (previously allowed) The apparatus of claim 15 wherein said apparatus connected to said roof plate, on top of said roof, by a bolt on either side of said rafter that pierce through bolt holes on said roof plate, through pre-drilled holes in said roof, and into each said bolt hole on said double thickness sheathing tab and strengthening tab, thereby tying the roof securely to the wall, preventing wind and seismic damage to the house.
